

# **EXHIBIT D**

# VICTORY VERBATIM COURT REPORTING SERVICES

RD/kw

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
W. R. GRACE & CO., et al., ) Case No. 01-01139 (JKF)  
) (Jointly Administered)  
Debtors. )  
) Re: Docket No. 13406

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This is the Deposition of DONALD PINCHIN, in the  
above-noted matter, taken at the law offices of Ogilvy  
Renault, 38th Floor, 200 Bay Street, Toronto, Ontario, on  
the 14th day of March, 2007.  
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APPEARANCES:

DANIEL A. SPEIGHTS -- for the Canada Claimants  
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JESSICA GLASS -- for the Official Committee  
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& Frankel  
1177 Avenue of the Americas  
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Also Present:  
Allison Kuntz

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1 required, first, consulting expertise and, second,  
2 U.S. legal expertise that was, in most cases, just  
3 out of their reach.

4 135. Q. From a cost standpoint?

5 A. From a cost standpoint, yes.

6 136. Q. Okay, but you also indicate that,  
7 "...The potential for success for a  
8 Canadian property owner proceeding  
9 independently is very low..."

10 What do you mean by that?

11 A. They will give up. It is going to  
12 take...we are already four years into the process.  
13 There is no item...they just...they will give up.

14 137. Q. But your reference there is to the  
15 bankruptcy procedure?

16 A. Yes.

17 138. Q. And it was in response to this  
18 notice that the building owners contacted you and  
19 you got involved in assisting them in filing the  
20 proofs of claim in the Grace bankruptcy; correct?

21 A. That is correct.

22 139. Q. Okay. When you provided consulting  
23 services in the past for litigation, did you take  
24 those matters on a contingency basis?

25 A. No.

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1 there. I asked him who was...I can't remember the  
2 name, Gordon Spratt, I think it was.

3 147. Q. And what did you discuss with Mr.  
4 Holland about Mr. Spratt?

5 A. I just said, "Was Mr. Spratt or  
6 Gordon Spratt an asbestos consultant?" And he said,  
7 "No, he was basically a mechanical consultant or a  
8 structural consultant", he wasn't quite sure which.

9 148. Q. Okay. What caused you to ask Mr.  
10 Holland about Mr. Spratt?

11 A. Mr. Speights mentioned the name,  
12 Doug Spratt, I think it is, just in our  
13 conversation. That is all and I was curious.

14 149. Q. Did you discuss anything else with  
15 Mr. Holland?

16 A. No.

17 MR. SPEIGHTS: Mr. Cameron, I need to  
18 take a break for a minute. We have been  
19 going a little over an hour.

20 150. MR. CAMERON: Sure.

21 MR. SPEIGHTS: Let's go off the record.

22 --- DISCUSSION OFF THE RECORD  
23  
24  
25

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1 140. Q. This is the first time you have done  
2 that?

3 A. This is the very first time, yes.

4 141. Q. Okay. Can you tell me, Dr. Pinchin,  
5 what you did to prepare for your deposition today?

6 A. I printed out this yesterday.

7 142. Q. By "this", you mean?

8 A. Exhibit number 2.

9 143. Q. Okay.

10 A. The Exhibit number 2 or a very near  
11 cousin of Exhibit number 2, and read that. And I  
12 met with Dan Speights for about, I would say it  
13 would have been, an hour to an hour and a quarter  
14 yesterday.

15 144. Q. Did you review any other documents  
16 prior to your deposition?

17 A. No.

18 145. Q. Did you talk with anybody else,  
19 other than Mr. Speights?

20 A. I had about a two-minute  
21 conversation with John Holland.

22 146. Q. And what did you discuss with Mr.  
23 Holland?

24 A. Just the name of some people in  
25 British Columbia of both clients and experts out

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1 --- EXHIBIT NO. 3 : Proposal dated June 11, 1992 to Bell  
2 Canada from Pinchin & Associates  
3

4 BY MR. CAMERON:

5 151. Q. Dr. Pinchin, I am going to ask you  
6 if you could identify what has been marked as  
7 Deposition Exhibit number 3, please?

8 A. Yes. This is a semi-historical  
9 document dating from 15 years ago. It is a proposal  
10 June 11th, I believe it is, 1992, to Bell Canada  
11 from Pinchin & Associates, one of the predecessor  
12 firms of Pinchin Environmental.

13 152. Q. Okay. And this is a communication  
14 enclosing qualifications for asbestos consulting  
15 services; is that correct?

16 A. That is correct.

17 153. Q. Is this something that you routinely  
18 provided to building owners as part of your  
19 consulting services?

20 A. Back at this time, yes.

21 154. Q. Okay. I just wanted to focus on a  
22 couple of things because we went over..you gave me  
23 some of this information earlier, but under number  
24 2, "Summary of asbestos-related services"...do you  
25 see that?

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- 1 A. Yes, I do.  
 2 155. Q. You identify "building surveys and  
 3 assessments"?  
 4 A. Yes.  
 5 156. Q. And that is consistent with what you  
 6 had said before, you did surveys and you did  
 7 asbestos management programs; correct?  
 8 A. That is correct.  
 9 157. Q. And then you refer in the second  
 10 paragraph there to,  
 11 "...Examples of typical multi building  
 12 surveys include..."  
 13 And you have a list of clients that you had done  
 14 work for as of 1992; do you see that?  
 15 A. Yes, I do, although this is  
 16 obviously a partial list.  
 17 158. Q. Right. You obviously had more  
 18 clients than just the ones listed there?  
 19 A. That is correct.  
 20 159. Q. "The Hamilton Board of Education";  
 21 do you see that?  
 22 A. Yes, I do.  
 23 160. Q. And the Hamilton Board of Education  
 24 is one of the building owners at issue that has  
 25 claims in this case; correct?

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- 1 do you see that?  
 2 A. Yes.  
 3 168. Q. There is a couple of entries for the  
 4 Toronto Board of Education in connection with  
 5 removal projects; is that correct?  
 6 A. Yes.  
 7 169. Q. And would you have provided the  
 8 design services for those removal projects?  
 9 A. Yes...let's see, the design...no, I  
 10 believe the design services on those projects were  
 11 done by the Board themselves. I am going from  
 12 memory, but I don't believe we wrote the  
 13 specifications for the Toronto Board.  
 14 170. Q. Okay.  
 15 A. They had their own staff prepare  
 16 those, as far as I remember.  
 17 171. Q. So what services were provided in  
 18 connection with the abatement projects in 1984/1985?  
 19 A. The inspection, the observation of  
 20 work being performed by the contractors, the air  
 21 monitoring and the final approval of work and  
 22 approval of payment of progress draws.  
 23 172. Q. Okay. How about the work that was  
 24 done for the Toronto Board of Education in 1990 and  
 25 '92, at the top of that list?

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- 1 A. I will believe...  
 2 161. Q. Do you know that?  
 3 A. No.  
 4 162. Q. Okay.  
 5 A. I don't remember. I didn't review  
 6 the claimant list.  
 7 163. Q. How about Carleton University; do  
 8 you know if Carleton University has a claim or  
 9 claims in this bankruptcy?  
 10 A. I know for sure they have a claim in  
 11 the Federal Mogul, but I can't swear on this one.  
 12 164. Q. Okay. How about Toronto Board of  
 13 Education?  
 14 A. Yes, I do know they do have some  
 15 claims in this.  
 16 165. Q. And the services you provide for  
 17 Hamilton Board of Education, Carleton University and  
 18 Toronto Board of Education as of 1992, that included  
 19 building surveys and assessments; is that correct?  
 20 A. Yes, it did.  
 21 166. Q. Did it also include abatement  
 22 projects?  
 23 A. Yes, it did.  
 24 167. Q. Now, I think if you go back to  
 25 Appendix 1, a list of typical projects undertaken;

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- 1 A. Those were the surveys and the  
 2 management plans and there may have been, at that  
 3 point, although I can't remember, there may have  
 4 been some minor removal projects done then that we  
 5 did specify.  
 6 But I think in '85...'84/'85...I believe  
 7 they did their own designs or they might have been  
 8 done by another consultant. It was one or the other  
 9 of those two.  
 10 173. Q. Okay. You indicated earlier that  
 11 you started...about 1981...you started about 1981  
 12 providing your asbestos consulting service is when  
 13 you formed Pinchin...  
 14 A. DJ Pinchin Technical Consulting.  
 15 174. Q. Right. This document refers to  
 16 Pinchin & Associates Limited being incorporated in  
 17 May 1981; is that a different entity, was that one  
 18 of the related companies?  
 19 A. It was the same company, it was only  
 20 a change in name so we could, hence, refer to it as  
 21 the same founding date. We commonly refer to that  
 22 1981 founding date, even though the name was  
 23 changed.  
 24 175. Q. Okay. And you testified earlier  
 25 that it was fair to say that you had been providing

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material by Polarized Light Microscope [you say] and a knowledge of the type and manufacturers of asbestos-containing fireproofing with these characteristics in Canada at the time the fireproofing was applied..."

Do you see that?

A. Yes, I do.

272. Q. Can you tell me...I will try to break that down...can you tell me what characteristics you are referring to there when you say "these characteristics"?

A. Well, effectively, the ones that have not been identified as positive. If it contained amosite or crocidolite, then we would exclude and not send this to those clients. We would not identify it.

If it had mineral wool of an analysis we relied on, we would not identify it. That is a characteristic. If it was a fibrous product, in general, in other words, not a cementitious product, then we would not identify it.

If it was...and I had not even mentioned this before, it seems so obvious to me...if it were white, if it were blue, we would not identify it.

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277. Q. Okay. And when you say, "...type and manufacturers of asbestos-containing fireproofing..." is "type" the cementitious versus fibre?

A. Well, a type would really...yes, it would be cementitious rather than fibre, although these points are all somewhat interrelated, the visual examination, the analysis, the type, if you prefer.

278. Q. So "type" could include the mud-like, rough surface?

A. That is right.

279. Q. Okay. And then the manufacturers of fireproofing you identified earlier that, to your knowledge, Grace was the only manufacturer who marketed and sold cementitious asbestos-containing fireproofing with vermiculite in Canada; is that correct?

A. It is the only one we are aware of, yes.

280. Q. Can you tell me when you obtained or gained this knowledge about the Grace fireproofing?

A. It is a very prolonged process but, yes, I can tell you when I first started gaining the knowledge.

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273. Q. What was the colour of the MK-3?

A. Basically dirt.

274. Q. Dirt?

A. Dirt, mud. Light brown tan, if you prefer or medium brown.

275. Q. Okay. Where I am a little bit confused is you are talking about identifying it as MK-3 and then saying "these characteristics". And now you have just given me characteristics that would not be MK-3. So I am a little bit confused.

I thought what you were saying in this letter was, "We have a knowledge of these characteristics, therefore we identify it as MK-3". Am I misunderstanding what you are saying?

A. Well, those characteristics it has and those characteristics it doesn't have, basically both go together to form an opinion. And they are mutually exclusive. So we would assess all of those.

276. Q. And the characteristics that it has are the ones that we went over earlier and, for the most part, you need to have multiple characteristics, not just one of them, to be able to make the conclusion?

A. That is correct.

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When I was working at the Ontario Research Foundation or ORTECH back...and it would have been approximately early '79, it would have been late 1980, but I think it is more likely early 1979. The Ontario Research Foundation, and I was the project manager on it, were hired to develop an asbestos-free...obviously asbestos-free, because asbestos was not in use in fireproofing at that time, but an asbestos-free Canadian sourced fireproofing to eliminate or compete with the effective monopoly that W. R. Grace had on that type of fireproofing in Canada.

And that is when my knowledge started. Basically, I became extremely familiar with the cementitious fireproofing that was then being applied.

281. Q. Which was not asbestos-containing?

A. Which was not asbestos-containing, no. It was the later Monokote product which I believe, at that point, was MK-5 or MK-6. One of them was never marketed in Canada.

282. Q. When did you gain a knowledge of what the constituents were for the Grace asbestos-containing fireproofing?

A. At the same time.

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1 no, really, it played no part.

2 300. Q. And you indicated that your  
3 knowledge of the W. R. Grace asbestos-containing  
4 fireproofing products started in or about...some  
5 time in 1979 when you were at ORTECH. Did that  
6 knowledge develop, change over time?

7 A. It certainly either developed or was  
8 confirmed over time. I am not sure which of those  
9 descriptions would be more accurate.

10 301. Q. Okay. And would that development be  
11 in connection with your consulting firm, building  
12 owners, beginning in 1981?

13 A. It would be in connection with  
14 firstly the development of that project, which was  
15 about a two and a half year project. So over that  
16 period of '79 to, roughly, '81, I would certainly  
17 developed in that time because we were trying to  
18 replicate the product and other information we came  
19 across over the years just on the formulations,  
20 which confirmed that.

21 302. Q. Based on that knowledge, would you  
22 have been able to identify Grace asbestos-containing  
23 fireproofing products in buildings when you first  
24 started your Pinchin identity in 1981?

25 A. I might have. I believe I could

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1 R. Grace bankruptcy and also the Federal Mogul  
2 bankruptcy; is that right?

3 A. Yes.

4 307. Q. Were there other bankruptcies that  
5 you were working with building owners to assist in  
6 the submitting of claims?

7 A. No.

8 308. Q. Did you have any involvement with  
9 the U.S. Gypsum bankruptcy?

10 A. No.

11 309. Q. You indicated that you...have you  
12 done consulting work in the U.S., other than expert  
13 work?

14 A. Rather limited.

15 310. Q. Based on your consulting work in the  
16 U.S., are you aware as to whether or not there were  
17 any other cementitious asbestos-containing spray  
18 applied fireproofing products containing vermiculite  
19 that were marketed and sold in the U.S.?

20 A. No.

21 311. Q. So you don't know if they were in  
22 the U.S. or Canada? You are not aware of any in the  
23 U.S. or Canada?

24 A. I am much more aware they were not  
25 in Canada from my knowledge of the industry but I am

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1 have. Certainly, in the early '80s, I could have,  
2 yes. Prior to '85, I could have. I can't say  
3 exactly when I would have been comfortable making  
4 that decision, but it would have been prior to '85.

5 303. Q. Is there a reason why you can more  
6 readily say prior to 1985?

7 A. Because it would have been when I  
8 was more heavily involved in specifications and  
9 surveys, seeing the repeated specifications for  
10 Monokote, talking to applicators who had applied the  
11 material and just getting more of a visual comfort  
12 with seeing the old product and the multiple  
13 analysis we would get.

14 304. MR. CAMERON: You want to take a break?  
15 MR. SPEIGHTS: Sure.

16 --- A BRIEF RECESS

17 DONALD PINCHIN, resumed

18 CONTINUED EXAMINATION BY MR. CAMERON:

19 305. Q. Dr. Pinchin, if you go back to  
20 Exhibit 2 for a minute, the notice that you sent out  
21 to building owners in about 2003; do you see that?

22 A. Yes.

23 306. Q. You indicated this related to the W.

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1 not able 100 percent to say they were not in either.

2 312. Q. Okay. Number Exhibit number 2,  
3 before entering into your contingency arrangement  
4 with the claimants, did you check to whether...get  
5 any legal advice as to whether that was an  
6 appropriate arrangement for an expert to undertake?

7 A. We talked to our lawyers because we  
8 had them, our lawyers, help draft the agreement that  
9 we sent to the building owners. Did we ask them if  
10 it was legal? I think they would have told us if it  
11 wasn't, but I am not sure we asked that question.

12 313. Q. Okay. Now, if I understand your  
13 testimony earlier, you had indicated that,  
14 throughout the 1980s and in to at least the mid  
15 1990s and beyond, you and your related companies  
16 were routinely advising Canadian building owners  
17 about issues associated with asbestos in buildings;  
18 is that correct?

19 A. That is correct.

20 314. Q. And were there other industrial  
21 hygienists, environmental engineers or consultants  
22 who were doing the same thing that your company was  
23 doing?

24 A. Unfortunately, yes.

25 315. Q. You wouldn't want a monopoly there.

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1 And you indicated that your asbestos consulting  
2 services were in great demand in the mid to late  
3 1980s and into the 1990s; is that correct?

4 A. Yes.

5 316. Q. And that was as a result of building  
6 owners contacting you concerning asbestos in their  
7 buildings; is that correct?

8 A. That is correct.

9 317. Q. Okay. During that time period, in  
10 the 1980s into the early or mid 1990s, did you and  
11 your colleagues give presentations and conduct  
12 training sessions for building owners?

13 A. We conducted those sessions for  
14 building owners and contractors and government  
15 officials and many others.

16 318. Q. And was that throughout Canada?

17 A. It was throughout Canada, yes.

18 --- EXHIBIT NO. 5: Pinchin-Harris & Associates document  
19 dated October 29, 30, 31, 1986  
20

21 BY MR. CAMERON:

22 319. Q. Dr. Pinchin, I am going to show you  
23 what has been marked Deposition Exhibit number 5,  
24 which is a Pinchin-Harris & Associates Limited, that  
25

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1 the course; do you see that?

2 A. I see that.

3 325. Q. And included in your course was you  
4 discussed the various types of friable products that  
5 were used in buildings; is that correct?

6 A. That is correct.

7 326. Q. And the health effects and reasons  
8 for concern; correct?

9 A. Yes.

10 327. Q. And in the identification, detection  
11 of asbestos?

12 A. Yes.

13 328. Q. You also addressed both current and  
14 proposed regulations in various Canadian provinces;  
15 is that correct?

16 A. Yes. This particular course only  
17 touched on the three western provinces, which is the  
18 three that were actually provided.

19 329. Q. Okay. If you go back on page 1-5,  
20 also discuss some of the trade names of the products  
21 that were...at least one time contained asbestos;  
22 correct?

23 A. That is correct, yes.

24 330. Q. Is this list just generated from  
25 your experience?

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1 was one of the prior names of one of your affiliate  
2 related companies; correct?

3 A. That is correct, yes.

4 320. Q. And it says,  
5 "...Asbestos control in buildings, October  
6 29, 30, 31, 1986..."

7 And my question is, is this one of the examples or  
8 types of training courses that you were conducting  
9 in Canada in the 1980s?

10 A. This is a small portion of it, of  
11 the notes used, yes.

12 321. Q. There was a much more extensive  
13 program?

14 A. I believe this is only a couple of  
15 the chapters.

16 322. Q. For this, who were the attendees in  
17 a session like this; does this include building  
18 owners and contractors?

19 A. Building owners, contractors,  
20 government officials and competitors.

21 323. Q. You let your competitors in?

22 A. If they pay, I would rather have a  
23 good competitor than a bad competitor.

24 324. Q. If you look over on page 2 there is  
25 contents or a table that has various sections for

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1 A. It is generated from experience. It  
2 is generated from seeing specifications of building  
3 that we know had asbestos and it is seen from  
4 getting some old product literature.

5 It was also based on...and I would say that  
6 applies to most. The only one here that likely I  
7 had picked up from someone else was Kilnoise  
8 Plaster. It is not one that I am personally  
9 familiar with.

10 331. Q. Included in that list is the  
11 Monokote MK-3; correct?

12 A. That is correct, yes.

13 332. Q. There are other products that are  
14 listed there. Are these products that you  
15 understood were marketed and sold in Canada?

16 A. Yes, I believe so.

17 333. Q. Okay. Any of the products, other  
18 than Monokote MK-3, cementitious?

19 A. Ones like Audicote or Kilnoise  
20 Plaster and, I believe, Soundshield, would have been  
21 cementitious, but they were not a fireproofing  
22 product similar to this.

23 They would have had quite a different use,  
24 such as a decorative or sound absorbing purpose.  
25 So, yes, some of these would have mixed

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1 fireproofings and decorative popcorn-like finishes.

2 334. Q. Okay. You were addressing generally  
3 spray-on surfacing materials?

4 A. That is correct.

5 335. Q. And was that a routine part of your  
6 courses to discuss products that were believed to  
7 contain asbestos maybe in various buildings?

8 A. That is correct.

9 336. Q. Okay. This one is in 1986, but were  
10 you conducting these...you were conducting these  
11 courses as early as 1981; correct?

12 A. The first course, as I said, was  
13 1980.

14 337. Q. Did you and/or the Pinchin  
15 companies, I guess, publish newsletters containing  
16 articles on the subject of asbestos in buildings?

17 A. Yes, we did.

18 338. Q. And did that include the  
19 Occupational Health News; was that one of your  
20 publications?

21 A. That was a publication that came  
22 from our associated firm, PHH. I think at the time  
23 it might have been called...

24 339. Q. Pinchin Harris Holland Associates?

25 A. ...Pinchin Harris Holland. I don't

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1 specifically target one group over another. They  
2 were all in our client range.

3 344. Q. All three; building owners,  
4 contractors and government officials?

5 A. That is correct.

6 345. Q. How were the newsletters distributed  
7 to building owners? Was it through an organization  
8 or just general, using a client mailing list?

9 A. We would use a client mailing list.

10 In the odd case, an organization, such as BOMA,  
11 might request 30 or 40 copies and we would give it  
12 to them, but generally, they were direct mailing.

13 346. Q. Are you familiar with BOMA?

14 A. Yes.

15 347. Q. What is BOMA?

16 A. Building Owners & Managers  
17 Association. It is the largest organization of  
18 building management firms across the world.

19 348. Q. And is there a chapter in Canada or  
20 is it not organized in that fashion?

21 A. There is BOMA Canada and there is  
22 also BOMA Toronto. And then there is BOMA Vancouver  
23 and there is BOMA here and BOMA there.

24 349. Q. Are you or your companies members of  
25 BOMA?

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1 know what name existed at the time of that.

2 340. Q. Was there also a newsletter by  
3 Pinchin Environmental Consultants Limited called  
4 "News"?

5 A. I don't remember it, but if you show  
6 me, it may have been a short existence. I would  
7 certainly recognize it, but was it from PHH or was  
8 it from Pinchin?

9 341. Q. I think it was Pinchin Environmental  
10 Consultants Limited, was the name of it, but I have  
11 one here and I will show you to see if that  
12 refreshes your recollection.

13 A. All right.

14 342. Q. Any other specific publications that  
15 I didn't mention that you recall?

16 A. You have a list on my CV of sort of  
17 specific articles I have published elsewhere, but I  
18 would not have listed our newsletters in a list of  
19 publications.

20 343. Q. The newsletters that you sent out,  
21 were they targeted to go to building owners?

22 A. They were targeted to building  
23 owners, contractors and government officials.  
24 Whenever you ask that question about building  
25 owners, it really is generally. We didn't

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1 A. Yes.

2 350. Q. And I think you testified earlier  
3 that as part of your consulting services you were  
4 aware that applicable regulations or guidelines  
5 concerning asbestos in the various provinces require  
6 building owners to take particular action with  
7 respect to asbestos in their buildings; correct?

8 A. Either regulations are often just  
9 codes or guidelines published by the government.  
10 Frequently it wasn't defined as a regulation.

11 351. Q. Okay. And those regulations or  
12 guidelines or codes first came into effect in some  
13 of the provinces when, late 1970s?

14 A. No, the absolutely earliest thing  
15 published that I know of was basically sort of a  
16 four-page bifold that the Ontario Government  
17 published in 1983, I believe. It could have been  
18 late '82, but I think it was 1983. That was the  
19 very, very, very first. And it was very vague.

20 352. Q. And did these guidelines, codes or  
21 regulations have...could building owners or  
22 contractors be sanctioned if they didn't meet the  
23 regulations? Were there enforcement penalties?

24 A. Certainly in Ontario there were. In  
25 other provinces I think you would have to actually



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1 60 to 80.  
2 413. Q. By 1990?  
3 A. By 1990.  
4 414. Q. When was the largest growth?  
5 A. The largest growth has been in the  
6 last three years.  
7 415. Q. And I take it that all 400 employees  
8 are not involved in providing asbestos consultation?  
9 A. That is correct.  
10 416. Q. What portion of the business is  
11 asbestos consultation?  
12 A. I would say about 40 percent in  
13 number 42, 45.  
14 417. Q. Okay. Over the time period in mid  
15 '80s, through the mid '90s, who were your  
16 competitors?  
17 A. Could you give me the years again?  
18 418. Q. Between mid 80s and mid 90s, the  
19 time period when you said you got very busy. You  
20 said between '84 and '87 for one period and by 1990  
21 to '97.  
22 A. Our largest...  
23 MR. SPEIGHTS: I am going to object to  
24 the question. I am not sure if that  
25 accurately characterize as a testimony, but

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1 consider themselves an equivalent. Jacques Whitford  
2 would. And that would be all.  
3 422. Q. When did they come into play on a  
4 national basis?  
5 A. Jacques in the mid '90s, Golder  
6 likely 2000.  
7 423. Q. Okay. I am going to try and get  
8 through some of these building reports. And I  
9 apologize, but...it is a little disjointed because  
10 that is kind of the way we have the documents. So I  
11 am going to try my best to get through this as  
12 efficient as possible. This is Exhibit 11.  
13  
14 --- EXHIBIT NO. 11 : Letter dated March 26, 2003 from Dr.  
15 Pinchin to Hamilton-Wentworth  
16 District School Board  
17  
18 BY MR. CAMERON:  
19 424. Q. I am going to show you what has been  
20 marked as Deposition Exhibit number 11, which is a  
21 March 26, 2003 letter, one of your letters stating  
22 the opinion that the product in the building issue  
23 is Monokote 3; is that correct?  
24 A. Yes.  
25 425. Q. Okay. I want to go through at least

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1 go ahead and answer the question, Mr.  
2 Pinchin.  
3  
4 BY MR. CAMERON:  
5 419. Q. Okay, mid '80s to mid '90s.  
6 A. All right. Our largest competitors  
7 would be small, local firms that are likely too  
8 numerous to mention. There were no truly national  
9 competitors, whatsoever.  
10 Some were there in the '80s, like Monenco  
11 and Dillon simply dropped out. Other ones started  
12 up, like Amec, but there were no national ones. I  
13 could give you a list of likely...well, if I could  
14 remember them, I could give you a list of 20 firms  
15 that were competing that might have had a local  
16 office somewhere.  
17 Jacques Whitford...I don't know how you  
18 pronounce it. It is spelled like Jacques, it is  
19 pronounced like "Jakes"...started in the mid '90s.  
20 420. Q. So the Pinchin Group of companies  
21 was the only national consulting firm in Canada on  
22 asbestos issues?  
23 A. That is correct.  
24 421. Q. Is that still true today?  
25 A. No, there are...Golder would

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1 some of what I understand are the supporting  
2 documents or at least the PLM analysis that is  
3 contained in the file. And could you walk me  
4 through those?  
5 A. Fine.  
6 426. Q. For our reference, this claim has a  
7 claim number of 11322. That is a claim number that  
8 has been given in the bankruptcy. And if you look  
9 down in the right-hand corner, these documents have  
10 been identified by first the claim number and then  
11 consecutive Bates numbers; do you see that?  
12 A. Yes.  
13 427. Q. So sometimes, as opposed to marking  
14 all these, I may just refer to the document number  
15 at the bottom, so that we will be able to more easily  
16 reference it.  
17  
18 --- EXHIBIT NO. 12 : Lab analysis contained in the claims  
19 file material  
20  
21 BY MR. CAMERON:  
22 428. Q. I am going to show you what has been  
23 marked as Deposition Exhibit number 12, which was  
24 the lab analysis that was contained in the claims  
25 file materials. And who is Occupational Health